

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

BROOKE WHORLEY, *et al.*,

Plaintiffs,

v.

Case No. 3:20-cv-255

RALPH S. NORTHAM, *et al.*,

Defendants.

STATUS REPORT

COME NOW Defendants Ralph Northam, *et al.*, by counsel, and pursuant to the Stipulated Settlement Agreement between the parties (ECF No. 11-1), provides the following status report to the Court:

1. Pursuant to Part 3(a)(vii)(1) of the Settlement Agreement, Defendants report that VDOC substantively reviewed 68 inmates for possible release under the *Early Release Plan* during the week of August 30 through September 5, 2020. The total number of inmates VDOC has substantively reviewed, to date, is one-thousand three-hundred sixty-one (1,361).
2. Pursuant to Part 3(a)(vii)(2) of the Settlement Agreement, Defendants report that, of the 68 inmates reviewed during the week of August 30 through September 5, 2020, VDOC approved 37 of those inmates for Early Release. The total number of inmates approved, to date, is 980.¹
3. Pursuant to Part 3(a)(viii)(3) of the Settlement Agreement, Defendants report that, of the 68 inmates reviewed during the week of August 30 through September 5, 2020, VDOC

¹ An additional 19 inmates were substantively reviewed, but physically released from custody (for other reasons) prior to a final approval decision having been made. VDOC does not include those 19 inmates in the reported number of inmates who were approved for release, but does include those 19 inmates in the number of inmates who were substantively reviewed.

denied Early Release for 31 of those inmates. The total number of inmates denied, to date, is 362.

4. Pursuant to Part 3(e) of the Settlement Agreement, Defendants report that approximately 2,004 inmates were tested for COVID-19 during the week of August 30 through September 5, 2020. The total number of tests conducted on VDOC inmates, to date, is approximately 34,154.

Respectfully submitted,

RALPH S. NORTHAM, BRIAN J. MORAN,
HAROLD CLARKE, DONALD WILMOUTH,
RICK WHITE, THOMAS MEYER, TIKKI
HICKS, RODNEY YOUNCE, TRACY RAY,
ERIC ALDRIDGE, DANA RATLIFFE-WAKLER,
TORI RAIFORD, TAMMY WILLIAMS, JOSEPH
BATEMAN, and PHILIP WHITE, Defendants.

By: /s/
Margaret Hoehl O'Shea, AAG, VSB #66611
Criminal Justice & Public Safety Division
Office of the Attorney General
202 North 9th Street
Richmond, Virginia 23219
(804) 225-2206
(804) 786-4239 (Fax)
Email: moshea@oag.state.va.us

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September, 2020, I electronically filed the foregoing Status Report with the Clerk of the Court using the CM/ECF system which will provide notification of such filing to the following:

Elliott M. Harding, Esq. (VSB #90442)
HARDING COUNSEL, PLLC
608 Elizabeth Avenue
Charlottesville, VA 22909
434-962-8465
HardingCounsel@gmail.com

Eden Heilman Date
Vishal Agraharkar
Nicole Tortoriello
Jennifer Safstrom
ACLU FOUNDATION OF VIRGINIA
701 E. Franklin St., Suite 1412
Richmond, VA 23219
Tel: (804) 523-2152
Email: eheilman@acluva.org
vagraharkar@acluva.org
ntortoriello@acluva.org
jsafstrom@acluva.org

Counsel for the Plaintiffs

And I hereby certify that I have mailed by United States Postal Service the documents to the following non-CM/ECF participants: N/A

By: /s/
Margaret Hoehl O'Shea, AAG, VSB #66611
Criminal Justice & Public Safety Division
Office of the Attorney General
202 North 9th Street
Richmond, Virginia 23219
(804) 225-2206
(804) 786-4239 (Fax)
Email: moshea@oag.state.va.us